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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/006,297

12/06/2001

Nobuhiro Nishiyama

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07/14/2004

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

EXAMINER

NGUYEN, PHILLIP

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/006,297

Applicant(s)

NISHIYAMA, NOBUHIRO

Examiner

Phillip Nguyen

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/06/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fujimaki et al. ('460) or Amano et al. ('385).

With respect to claims 1-3, Fujimaki discloses in Figures 2-4 a semiconductor laser device comprising a first lead portion 11 having a mounting portion 15 on which a semiconductor laser chip is mounted; a second lead portion 12 for an electrode; and a resin portion 13 fixing said first and second lead portions; said second lead portion being provided with an engagement portion 12a engaging with said resin portion in a longitudinal direction of said second lead portion, and extending straight within said resin portion. Regarding to claim 2, Fukimaki discloses said engagement portion includes a wide portion formed by locally expanding a width of said second lead portion within said resin portion. Regarding to claim 3, Fukimaki discloses a third lead portion (also labeled as 12) extending on the same side as said second lead portion from the resin portion. It is noted that both of the second and third lead portions extending same side or downward away from the resin portion.

With respect to claims 1-3, Amano discloses in Figure 4 a semiconductor laser device comprising a first lead portion (middle lead terminal) having a mounting portion

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23a on which a semiconductor laser chip is mounted; a second lead portion (aside lead terminal) for an electrode; and a resin portion 9 fixing said first and second lead portions; said second lead portion being provided with an engagement portion (large area near 21) engaging with said resin portion in a longitudinal direction of said second lead portion, and extending straight within said resin portion. Regarding to claim 2, Amano discloses said engagement portion includes a wide portion formed by locally expanding a width of said second lead portion within said resin portion.

With respect to claim 4, Amano discloses an outer circumference of said resin portion 9 has a circular shape with said semiconductor laser chip arranged at a center.

With respect to claim 5, Amano discloses said resin portion has a window portion through which light 55 emitted from said semiconductor laser chip passes.

With respect to claim 6, Fujimaki discloses a cut portion 14 for stopping rotation.

With respect to claim 8, Fujimaki discloses the claimed invention with first lead portion having mounting portion, second lead portion, third lead portion; and a resin portion fixing said first, second, and third lead portions; said second and third lead portions extend on a same side from the resin portion as shown in rejections of claims 1 and 3.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimaki et al. ('460) in view of Kitamura et al. ('479). Fujimaki discloses the claimed invention except for a mounting portion being wider than the first lead portion. Kitamura discloses in Figure 1b the mounting portion 2 being wider than the first lead portion 12a. For the improvement of the laser device, it would have been obvious to the one having ordinary skill in the art at the time the invention was made to provide a wider mounting portion than the first lead portion in order to have more contact surface for heat to dissipate and easy to mount the laser chip on as taught by Kitamura to Fujimaki.

Citation of Pertinent References

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Fujimaki et al. discloses Semiconductor Laser with Encapsulated Lead Members, U.S. Patent No. 530946

The patent to Amano et al. discloses Laser Diode Device having a Protective Layer on Its Light-Emitting End Face, U.S. Patent No. 5355385

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The patent to Kitamura et al. discloses Semiconductor Laser Device Encapsulated in a Transparent Resin Layer, U.S. Patent No. 5485479

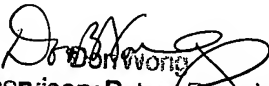
Communication Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Nguyen whose telephone number is 571-272-1947.

The examiner can normally be reached on 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DON WONG can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Supervisory Patent Examiner
Technology Center 2800

pn

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